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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,428	12/04/2003	Graeme G. Schreiber	GB920020044US1	6836

53493 7590 07/03/2007

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EXAMINER	
ABEDIN, SHANTO	

ART UNIT	PAPER NUMBER
2136	

MAIL DATE	DELIVERY MODE
07/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/727,428	SCHREIBER ET AL.	
	Examiner	Art Unit	
	Shanto M Z Abedin	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the communication filed on 04/11/2007.

2. Claim 1-6 are currently presented for the examination.

3. Claim 1-6 have been rejected.

Response to Arguments

4. Regarding the previous 35 USC §102 (e) rejections on claims 1-6, the applicant primarily argues that the prior art Kermani does not teach or suggest relative inter-keystroke interval of the reference identifier, wherein each relative inter-keystroke interval is calculated as the absolute inter-keystroke interval divided by an anchor value, the anchor value selected from a first absolute inter-keystroke interval and an average of the absolute inter-keystroke intervals.

The applicant's above arguments are fully considered, however found not persuasive (please see the office action below for detail).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6 are rejected under 35 USC 102 (e) as being anticipated by Kermani (US 6895514 B1).

Regarding claim 1, Kermani discloses a method of authenticating a user comprising the steps of:

providing, by the user, a unique identifier, the unique identifier comprising both a sequence of keystrokes and the inter-keystroke intervals associated with provision of those keystrokes (Col 3, lines 20-40; ; key stroke sequence; user's password)

comparing the unique identifier provided by the user with a reference unique identifier (Col 4, starts at line 34) by:

comparing the absolute inter-keystroke intervals of the unique identifier with the absolute inter-keystroke intervals of the reference unique identifier and returning a true indication if the absolute inter-keystroke interval of the unique identifier is within a predetermined tolerance of the absolute inter-keystroke interval of the reference identifier (Col 3 line 20 to Col 6, line 14; comparing/ computing key stroke sequence, intervals/ lapses/ distances);

comparing the relative inter-keystroke intervals of the unique identifier with the relative inter-keystroke intervals of the reference unique identifier and returning a true indication if the relative inter-keystroke interval of the unique identifier is within a predetermined tolerance of the relative inter-keystroke interval of the reference identifier (Col 3, starting at line 40; Col 5, lines 1-30; threshold values) wherein each relative inter-keystroke interval of the reference identifier, wherein each relative inter-keystroke interval is calculated as the absolute inter-keystroke interval divided by an anchor value, the anchor value selected from deviation of inter-keystroke interval and an average of the absolute inter-keystroke intervals (Col 5, starts at line 45; Eq. 2; calculating distance of keystrokes using absolute values and mean values of the keystroke intervals; deviation).

authenticating said user if both said absolute comparison step and said relative comparison step return a true indication (Col 3, lines 20-40).

Regarding claim 2, Kermani discloses a method , wherein said relative inter-keystroke intervals are the ratio of the inter-keystroke intervals and the inter-keystroke interval between entry of the first of said sequence of keystrokes and the second of said sequence of keystrokes (Col 4, starting at line 18;DSP calculations; key stroke intervals/ time lapses).

Regarding claim 3, Kermani discloses a method further comprising the step of entry by the user of the reference unique identifier and wherein said predetermined tolerance is determined during said step of entry by the user of the reference unique identifier (Col 2, lines 20-50; Col 3, starting at line 40; Col 5, lines 1-30; threshold values).

Regarding claim 4, Kermani discloses a method wherein said predetermined tolerance is explicitly set by the user (Col 3, line 20 to Col 5, lines 1-30; decision circuit at user machine).

Regarding claim 5, Kermani discloses a computer program comprising computer program code means adapted to perform the steps of any one of claim 1 to claim 4 (Col 3 line 20 to Col 4, line s 25).

Regarding claim 6, Kermani discloses the method wherein said predetermined tolerance of the relative inter-keystroke interval is in the range of plus twenty-five percent to minus twenty-five percent (Col 7, starts at line 26; Kermani teaches user defined predetermined decision threshold; accepting up to 20% mismatch or 80% match as threshold; Kermani teaches enablement of tolerance of twenty five percent).

Conclusion

6. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this action is set to expire in 3 (Three) months and 0 (Zero) days from the mailing date of this letter. Failure to respond within the period for response will result in ABANDOMENT of the application (see 35 U.S.C 133, M.P.E.P 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shanto M Z Abedin whose telephone number is 571-272-3551. The examiner can normally be reached on M-F from 9:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moazzami Nasser, can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shanto M Z Abedin

Examiner, AU 2136

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6/27/07